

The Board of County Commissioners met in regular session on April 10, 2006. Those present for the session were Don Batchelder, Vice Chair; Kristi R. Westfall, Member; Connie I. Hunt, County Administrator; Mary Deganhart, County Attorney; and Linda Munson-Haley, Clerk of the Board. Heidi M. Albritton, Chair, was on vacation.

- **Note – This meeting was recorded for reference purposes.**

9:30 Commissioner Batchelder called this session to order:

A. 9:30 General Business:

- * **Approval of Social Services warrants:**

M/S/P—Motion was made by Commissioner Westfall and seconded by Commissioner Batchelder to approve the Social Services warrants as presented. There was no discussion. Motion passed.

1. Request for approval of April 3, 2006 minutes:

M/S/P—Motion was made by Commissioner Westfall and seconded by Commissioner Batchelder to approve the Minutes for April 3, 2006 as presented. There was no discussion. Motion passed.

2. Request for adoption of Resolution 2006-027 Amending Resolution 2005-017 to Provide Authority for Cornerstone Metropolitan District Nos. 1 & 2 to issue Debt in Advance of Final Plat Approval:

Mary Deganhart, County Attorney, discussed the provisions of the resolution and a requirement of the Consolidated Service Plan to obtain the certification of an “External Financial Advisor” in connection with the issuance of bonds. The District proposed engaging P. Jonathan Heroux as the financial advisor. Ms. Deganhart requested Board approval of the appointment and approval of her signature on the letter dated April 5, 2006 from White, Bear and Ankele indicating acceptance of P. Jonathan Heroux as financial advisor.

M/S/P—Motion was made by Commissioner Westfall and seconded by Commissioner Batchelder to authorize Mary Deganhart to sign the letter dated April 5, 2006 from White, Bear and Ankele accepting P. Jonathan Heroux as the financial advisor for the Cornerstone Metropolitan District Nos. 1 & 2. There was no discussion. Motion passed. Commissioner Batchelder asked to place this item on the next agenda for ratification.

M/S/P—Motion was made by Commissioner Westfall and seconded by Commissioner Batchelder to adopt Resolution 2006-027 amending Resolution 2005-017 as presented. There was no discussion. Motion passed.

3. Request for approval of Pre-Grant Applications for the following:

- Habitat Partnership Program (HPP) – Three new grants for Oxeye Daisy, Leafy Spurge and Spotted Knapweed**
- Habitat Partnership Program (HPP) – Two new grants for Yellow Star Thistle and Meadow Knapweed**

M/S/P—Motion was made by Commissioner Westfall and seconded by Commissioner Batchelder to approve the Pre-Grant Applications for the Habitat Partnership Program for three grants for Oxeye Daisy, Leafy Spurge and Spotted Knapweed, and the Habitat Partnership Program for two new grants for Yellow Star Thistle and Meadow Knapweed as presented. There was no discussion. Motion passed.

4. Request for approval of the magnesium chloride bid:

Chris Miller, Road Superintendent, was present and clarified that GMCO, the current provider, raised prices. The contract was put out to bid and he received bids from GMCO and Envirotech Services, Inc. of Grand Junction. He recommended Envirotech because the bid was slightly less but included training options, and it would be a closer reloading source.

M/S/P—Motion was made by Commissioner Westfall and seconded by Commissioner Batchelder to approve the 2006 magnesium chloride bid from Envirotech Services, Inc. as presented. There was no discussion. Motion passed.

5. Discussion and direction concerning Outside Storage of Rubbish:

Paul Christensen, Ouray County Building Official, was present to discuss an issue with rubbish on CR 23. He explained that he has been working with the owners for a couple of years and they have failed to follow through on pledges to obtain various permits and actions required by the County. He has not noticed anyone living on the property recently.

Mr. Christensen was now looking to the Commissioners for direction. In his opinion, it would be difficult to pursue any kind of cleanup on the part of the owners. The County may be looking at litigation and ultimately having to clean up the property, itself. He had previously issued a Notice of Violation of the junk regulations and cited the owners for use of illegal structures for human habitation.

Commissioner Westfall had questions regarding follow-through on the County’s part with the past citations. Mr. Christensen explained that initially the owners were willing to work with the County, the County got busy and failed to follow through to ensure that they were in compliance. As far as rubbish, he explained that it had been accumulating for

three to five years but discussed the difficulty with enforcing junk regulations because one man's junk is another man's treasure. A suggestion was made for screening the "treasures."

Bob Larson, County Surveyor, interjected that he thought the land was in a greenbelt and that habitation was prohibited.

Commissioner Westfall asked Mary Deganhart to research the facts as to whether the land is in a greenbelt and what the County can and cannot do.

Mr. Christensen detailed the steps he would take beginning with identifying the entire property as a nuisance pursuant to the County's junk regulation. He anticipates an appeal to the Notice of Violation. The appeal could then be brought before the Board of County Commissioners who would make a determination as to what are junk, antiques, and treasures to the property owners. Negotiations could be held as to how the owners would come into compliance.

Commissioner Batchelder was in agreement with Commissioner Westfall to have the County Attorney research the facts. The Commissioners would need to know if there are additional restrictions other than those imposed by the Code to help them to decide how to proceed. The Commissioners also need to determine if there is an increasing trend by the owners to accumulate rubbish in light of complaints from neighbors.

Commissioner Westfall summarized that there are two issues: the trend for storage of rubbish and the lack of sanitation facilities. The first concern, though, is whether the owners have a legal right to be there.

The Board asked to review the County Attorney's research and recommendations as soon as possible.

6. Discussion and direction concerning Dickson/CR 23 Road issue:

Bob Larson, County Surveyor, was present.

Commissioner Batchelder referred to a memo from Mary Deganhart, County Attorney, concluding that because she was not involved from the beginning, she is not aware of the intent of the exchange with Mr. Dickson. He informed Ms. Deganhart that the previous Road and Bridge Supervisor had negotiated the exchange with Bill Dickson.

Mr. Larson explained that the County will not be getting much more than they already own but the County will be giving Mr. Dickson additional property and retaining a 60-foot right-of-way. He suggested that it would not be a huge project to create legal descriptions for each of the fractured parcels of property. Commissioner Westfall noted that this should not be at the County's expense.

The Commissioners discussed the future of the road as it pertained to the 60-foot right-of-way. Mr. Larson said that the County would be fine with 60 feet through that portion because it matches up with CR23 that goes to the east and CR17 on the south, and what is happening on the north.

Commissioner Westfall observed that a file should be set up on this for the future to address these issues.

Commissioner Batchelder summarized that more plat work needs to be done. Greg Moberg will communicate this to Mr. Dickson. To ensure that the information provided by Mr. Dickson is adequate, Commissioner Batchelder suggested asking Mr. Dickson to have his surveyor consult with the County's surveyor.

Commissioner Westfall asked that the Minutes reflect the reason that the County is doing this is to uphold the negotiations for the prior road alignment, and that the County is not in the habit of deeding away property.

B. 9:45 Commissioners/Administrative Reports: *(Item tabled to later in the day)*

C. 10:10 Department Heads/Elected Officials Meeting:

Linda Munson-Haley, Clerk of the Board, had nothing to discuss:

Michelle Nauer, County Clerk and Recorder, discussed the following:

- 1) Been out of the office on vacation.
- 2) Has a new Hart contract for DREs. Will review with the County Attorney and, as soon as she has a solid idea of what it will cost, she will present it to the Board.
- 3) Plats are all scanned.
- 4) All historical records have been converted and merged into the program.

Cheryl Roberts, Public Health Director, discussed the following:

- 1) Last week was Public Health Week
- 2) Went to the State's All Hazards Emergency Preparedness meeting in Montrose.
- 3) Completed NIMS training, which is required
- 4) Received \$12,000 allocated for pandemic flu planning from the Governor. This may require getting someone in to work on it along with a committee. Will be getting educational materials out to the public

- 5) There was an Influenza A outbreak in Ouray County but with the schools out for spring break the outbreak is being contained.
- 6) The department is working on women's health cancer initiatives.

Michael Elden, I.T. Manager, discussed the following:

- 1) The website is up and running and he is trying to get content for each department's page.
- 2) Need to look again at server housing because requirements have changed. He cannot get both the Clerk and Assessor on the same server as was planned. Backup is, also, larger than originally planned.
- 3) Reminder of GIS Class on May 9 and 10

Norm Rooker, Chief Paramedic, discussed the following:

- 1) A Homeland Security grant to get a backup generator for the County fuel pumps
- 2) Last Wednesday back-to-back serious traffic calls
- 3) Vehicles – The old Ridgway ambulance did not sell at auction so EMS contracted with VFD-Funding to sell it. The Chevy Blazer did sell at the asking price. The Ford F-150, which was damaged from a vehicle collision while parked in December, is being repaired.
- 4) The new ambulance will be here soon.
- 5) Scott Tuning wrote and presented two state grants with the Colorado Department of Public Health. They made it through the first round of the grant-vetting process and EMS is waiting to hear if they were successful. The grants will pay for half the cost of the new ambulance.
- 6) Training – Kim Mitchell, Scott Tuning and volunteer EMT Steve Lance attended a chemical weapons of mass destruction training program in Anniston, Alabama.
- 7) Completed the second First Responder class and added six more members to the Rural First Responder Corps.
- 8) The second EMT class is weeks away from completion and six strong students will be coming out of this class.
- 9) Will be out for 1.5 to 2 weeks attending the International Association of Fire Chiefs Rescue Medicine Conference, a management level conference in Las Vegas; will be presenting at the Nevada State EMS Conference in Fallon, Nevada; and taking a medical base camp certification course in the Castle Rock area.
- 10) Working on many projects and making good progress
- 11) The Western EMS Region, of which OC EMS is a part, has invited OC EMS to participate in a tri-county seatbelt and infant car seat education and compliance project. There has been a change in laws that allows vehicles to be pulled over for seatbelt violation as the primary cause. The project is awaiting federal grant approval. He will meet with the Commissioners at that time.

Ron Durham, Facilities Manager, discussed the following:

- 1) Just got back from vacation.
- 2) Will do sewer line project with Road and Bridge at the Clinic sometime this month.

Sheriff Mattivi discussed the following:

- 1) Had 30 traffic contacts, wrote 7 tickets and impounded 2 vehicles
- 2) There were several warrant arrests and DUI arrests
- 3) The department assisted in seven accidents, two fatal
- 4) There have been theft reports in the CR22 area and the department stepped up patrols
- 5) Lost one deputy to the Ouray Police Department so he is looking for new deputy.

Allan Gerstle, Director of Social Services, discussed the following:

- 1) Once the food pantry went away, there was a lot less traffic and the whole office became calmer.
- 2) On Wednesday, the department will be doing office cleanup and a truck is coming to shred old records

Greg Moberg, County Planner, discussed the following:

- 1) Permits and fees are down 26% year-to-date. Doug Canright, Planner/Project Manager, is in the process of reviewing about 13 permits involving around \$17 million.
- 2) They are running about 14 land use cases presently

Chris Miller, Road Superintendent, discussed the following:

- 1) Crews are doing major work on County Roads 17 and 24, and Mary's Road and Susanne Lane
- 2) Blades are out doing mag prep work and plan to start magging next Monday
- 3) Five men went to chipper school for training.
- 4) All of the crew members have MSHA certifications.
- 5) The department has been experiencing fairly extensive equipment repairs
- 6) Sally Bailar is learning the new software pretty well
- 7) Been working on address changes
- 8) Working with the Town of Ridgway on the road through the Road and Bridge yard.

Mary Deganhart, County Attorney, discussed the following:

- 1) Camp Bird and Cornerstone are taking up most of her time.

Connie Hunt, County Administrator, discussed the following:

- 1) Distributed the *Policies and Procedures Manual* that incorporates all of the County's policies. She explained that it took four years and three months to complete. The *Procurement, Credit Card and Grant Policy* is a new policy and she discussed the new process to go through when purchasing or procuring items or services.

Commissioner Westfall had nothing to discuss:

Commissioner Batchelder discussed the following:

- 1) Thanked the newsletter staff and those who contributed for an excellent and informative newsletter. He suggested putting it on the website and providing copies for public review.

10:55 Commissioner Batchelder took a brief break and reconvened at 11:05:

D. 11:05 The Board of County Commissioners convened as the Board of Social Services concerning the following items:

- 1. Reports – review and approval of the following:**
 - a. Earned Revenue and Expenditures, February 2006:
 - b. Check Register for the month of March 2006:
 - c. Expenditures through Electronic Benefit Transfers, March 2006:
 - d. County Allocation / MOE Report, February 2006
 - e. Balance Sheet, February 2006:
 - f. Caseload Report, March 2006:

Allan Gerstle, Director of Social Services, asked the Board for approval of the monthly reports listed above.

M/S/P—Motion was made by Commissioner Westfall and seconded by Commissioner Batchelder to approve the Earned Revenue and Expenditures for February 2006; the Check Register for the month of March 2006; the Expenditures through Electronic Benefit Transfers for March 2006; the County Allocation / MOE Report for February 2006; the Balance Sheet for February 2006; and the Caseload Report for March 2006 as presented. There was no discussion. Motion passed.

2. Discussion:

Mr. Gerstle reiterated that not having the food pantry located in the County offices has made a huge difference.

The department is still getting out benefits within mandated timeframes. The biggest problems are with Medicaid programs.

11:10 The Board of Social Services reconvened as the Board of County Commissioners:

E. 11:10 Land Use Item:

1. Fisher/Reynolds road vacation and consideration of Resolution 2006-028:

Applicants: Todd Fisher and Debbie Reynolds
Agent: Mike Hockersmith
Request: Vacation of that portion of Aspen Drive, now known as Reynolds Place, that adjoins the westerly boundary of Lots 74, 75, and 76 as shown on the plat of Idlewild Estates, Subdivision Number 4.

Mike Hockersmith was present on behalf of the Applicants. Doug Canright, Planner/Project Manager, was present for the County.

Mr. Hockersmith discussed the request for vacation. *[According to the Staff Report dated February 8, 2006 and the Supplemental Staff Report dated February 27, 2006, the request for vacation was a result of "This platted roadway was to have provided access to up to eight parcels in Idlewild Estates but as a result of the 1980 plat amendment, the physical condition of the road and the improved adjacent roads (Elk Ridge Trail and Deer Trail) only the Fisher/Reynolds parcels are actually accessed from this roadway."]*

Commissioner Westfall suggested amending the resolution to address the exception for ingress and egress for utility purposes. She also asked for clarification of the definition of the easterly boundary of Lot A to establish the exact line.

Commissioner Batchelder discussed staff recommendations and conditions. Condition 1 states, "Applicant shall provide documentation that the BLM has no objection to the proposed right of way vacation," and Condition 2 states, "Applicant shall record a quitclaim, amended plat or other legal document sufficient to reflect the final revised configuration of all affected parcels." He directed that prior to recording a quitclaim or an amended plat, the Applicant have it reviewed by the County Attorney. A discussion followed. Commissioner Westfall preferred that the vacation be done by document rather than plat.

The group discussed the first condition. It was decided that the condition was not necessary, as the road is not direct access for the BLM property. Mr. Hockersmith indicated that the County's concerns should be whether there is any property that is left without access to an established public road as a result of the road vacation.

M/S/P—Motion was made by Commissioner Westfall and seconded by Commissioner Batchelder to adopt Resolution 2006-028 subject to the following corrections: the description of what is being vacated in paragraph 1 of the proposed resolution be changed to indicate that it is a portion of the easterly boundary of Lots A, B and C, excluding that portion of Lot A that was adjacent to former Lot 82 and Lot 73; and in Item 3 of the proposed resolution, language is to be added to include that the purpose of the reservation of the easement is for repair and maintenance of any utilities and that the easement is being reserved over the course of the existing road as shown on the amended plat that reflects Lots A, B and C. Prior to recording of any of the documents – the vacation of roadway and the covenant to join lots 74, 75 and 76 – the documents must be submitted to the County Attorney for approval. The resolution should also state that the document(s) would be recorded contemporaneous with recording the resolution. There was no further discussion. Motion passed.

The Board asked that Mr. Hockersmith's presentation be submitted to Land Use for the record.

B. 11:45 Commissioners/Administrative Reports: *(Initially scheduled for 9:45)*

Linda Munson-Haley, Clerk of the Board, discussed the following:

- 1) Possible Tri-County meeting dates.

Connie Hunt, County Administrator, discussed the following:

- 1) A notice of a bill regarding elected officials' salaries
- 2) She received one copy of the STIP Plan and would make it available for Commissioner review
- 3) Eric Jacobson sent a copy of the Ouray Hydroelectric Plan and Ms. Hunt would make it available for review
- 4) A letter from the Colorado Rural Development Council asking for a contribution to provide educational workshops for rural Colorado, community assessments, etc. Commissioner Batchelder and Commissioner Westfall decided not to make a contribution.
- 5) Received two GIS applications

Commissioner Westfall discussed the following:

- 1) Letter received from Ed von Delden resigning from the Road Committee. When she spoke to him, he indicated that he took exception to comments at a recent Road Committee meeting regarding Log Hill Village paving. She asked that a letter be sent to Mr. von Delden thanking him for his service and that clarification be given to the Road Committee that Log Hill Village was a successful paving project. Ms. Hunt pointed out that Mr. von Delden was not a member of the Road Committee and that she had directed Sally Bailar and Chris Miller to respond to him. Commissioner Westfall agreed that this was the appropriate response. Commissioner Batchelder admitted that this was an unfortunate misunderstanding but pointed out the need to be cognizant of how Commissioner-appointed citizen committees deal with the public so as not to alienate citizens.

Commissioner Batchelder had nothing to discuss:

Mary Deganhart, County Attorney, discussed the following:

- 1) Discovery is due in a week on the Camp Bird case and she will need a representative of the County to sign under oath.

11:55 Commissioner Batchelder recessed for lunch and reconvened at 1:19:

F. 1:19 Land Use Item - Continuation of Cornerstone Montrose, LLC Request:
(This item was tabled from the April 3, 2006 meeting.)

Request: Approval of a Final Subdivision Plat for Phase I as required by the Cornerstone Development Agreement and Section 25.5 of the Ouray County Land Use Code. The Phase I request consists of approximately 625 acres and includes roads, open space and 46 residential lots, two clubhouse parcels, a maintenance parcel, golf course parcels and a recreation parcel.

Location: The proposed Development is described as being situated in Sections 6,7 and 18 Township 46 North, Range 9 West, and Sections 11, 12, 13, 14, 15, 16, 22, 23, 24, 25 and 26 Township 46 North, Range 10 West, New Mexico Principle Meridian, Ouray Counties, State of Colorado.

Request for approval and adoption of the following documents:

- a. Final Subdivision Plat
- b. Final Improvements Agreement
- c. Phasing Plan and Agreement
- d. Government Springs Road Maintenance Agreement
- e. 2006 Maintenance Plan and Budget
- f. Performance Bond
- g. Resolution 2006-029, and
- h. Any other associated documents for this request.

Brian Wallin and Tom Kennedy were present representing the Applicant. Greg Moberg, County Planner, was present for the County.

Commissioner Batchelder noted for the record that the Commissioners had before them a resolution prepared by the County Attorney. The primary point of contention at the last meeting had been addressed in Item 6.d. of the resolution, and Item 1 addressed the findings/justifications for the bonding at 120%.

Ms. Deganhart requested approval of all of the associated agreements (a. through f. listed above) along with adoption of the resolution.

Commissioner Westfall observed that the building permit issue was incorporated in the resolution, itself, instead of in a separate agreement. Ms. Deganhart explained that it is also referenced in a plat note and included in the language in the Final Improvements Agreement.

M/S/P—Motion was made by Commissioner Westfall and seconded by Commissioner Batchelder to adopt Resolution 2006-029 approving the Final Development Plan/Final Pat for Cornerstone, Phase I, and to approve the Final Subdivision Plat, the Final Improvements Agreement, the Phasing Plan and Agreement, the Government Springs Road Maintenance Agreement, the 2006 Maintenance Plan and Budget, and the Performance Bond as presented. There was no discussion. Motion passed.

G. 1:30 The Board of County Commissioners adjourned and convened into a work session with Staff concerning the following items (this item was recorded at the request of the public but no minutes were taken):

- 1. Large Parcel Mapping:
- 2. Development Agreement Revisions:
- 3. Land Use Code Amendment Process and Proposed Timeline:

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS
OURAY, COLORADO

ATTEST:

Heidi M. Albritton, Chair

Michelle Nauer, County Clerk and Recorder

Don Batchelder, Vice Chair

By: _____
Linda Munson-Haley,
Clerk of the Board

Kristi R. Westfall, Member